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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,065	07/25/2003	Paul Zieske	DI-5924	4163
29200	7590	11/23/2005	EXAMINER	
BAXTER HEALTHCARE CORPORATION 1 BAXTER PARKWAY DF2-2E DEERFIELD, IL 60015			PESELEV, ELLI	
			ART UNIT	PAPER NUMBER
			1623	

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Art Unit: 1623

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The terminology "having a pH of less than 3.8" (claim 1) is not disclosed or suggested by the specification as originally filed.

Applicant's arguments filed October 21, 2005 have been fully considered but they are not persuasive.

The specification on pages 5 and 9 provides support for the pH being in the range from about 2.8 to about 3.8. The pH of less than 3.8 encompasses pH of less than 2, for which there is no support in the specification as originally filed. Further, there is no indication or evidence that applicant at the time of the present invention contemplated a pH of less than 2 for the first acidic solution as claimed.

Claims 10, 22 and 40-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 is indefinite in that it depends from the cancelled claim 9.

Claim 22 is indefinite in that it is not clear whether the terminology "acidic concentrate" refers to acidic dextrose concentrate or acidic buffer concentrate.

The terminology "and the solution has a pH of from about 2.8 to about 3.8" (claim 40) renders the claims indefinite in that it is not clear from the claims that said terminology refers to acidic dextrose concentrate.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elli Peselev whose telephone number is (571) 272-0659. The examiner can normally be reached on 8.00-4.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Wilson can be reached on (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1623

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Elli Peselev

  
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